

09-27-04

AF 3764



Practitioner's Docket No.: 100_007 CIP-RCE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of: Dwayne Lacey

Ser. No.: 09/935,297

Group Art Unit: 3764

Filed: August 22, 2001

Examiner: DeMille, D.

Confirmation No.: 9672

For: HEAD MASSAGING DEVICE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on September 24, 2004 under "EXPRESS MAIL" mailing label number **EV 53917 4641 US**.
Janet M. Stevens
Janet M. Stevens

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)**

Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 24, 2004, finally rejecting claims 1-4 and 6-33.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00.

Extension of Term

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and appropriate non-small-entity fee are as follows:

- ☒ One Month (37 CFR 1.17(a)(1)) \$ 110.00
- ☐ Two Months (37 CFR 1.17(a)(2)) \$ 420.00
- ☐ Three Months (37 CFR 1.17(a)(3)) \$ 950.00

Extension Fee Due \$ 110.00.

Total Fees Due (Notice of Appeal and Extension of Time) \$ 440.00.

09/28/2004 HALI11 00000001 09935297
01 FC:2251 55.00 OP
02 FC:2401 165.00 OP

Status of Applicant

- ☒ Applicant claims small entity status. See 37 CFR 1.27.
Therefore, the fee shown above is reduced by half, and the
resulting fee is: \$ 220.00.

Fee Payment

- ☒ Enclosed is a check in the amount of \$220.00.
☐ Charge Deposit Account No. 50-1446 in the amount of \$_____.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any
overpayment, to Deposit Account No. 50-1446. Enclosed is a duplicate copy of this sheet.

Respectfully submitted,



Kevin C. Brown
Reg. No. 32,402

September 24, 2004

Date

KCB:jms

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320